

EMERGENCY ORDINANCE NO. 1482

AN EMERGENCY ORDINANCE TEMPORARILY REGULATING THE SALE OF THC CANNABINOID PRODUCTS IN THE CITY OF WILLMAR

The City Council of the City of Willmar hereby ordains as follows:

Section 1. PREAMBLE – FINDINGS AND STATEMENT OF EMERGENCY. The city council makes the following findings:

- A. On July 1, 2022, recently enacted amendments to Minn. Stat. § 151.72 took effect and resulted in the legalization of edible cannabinoid products, as defined therein, and cannabinoid products that are intended for human or animal consumption, that contain no more than 0.3 % of Tetrahydrocannabinol, commonly known as THC (collectively, “THC Products”). These statutory amendments did not prohibit local regulation of such products.
- B. The unregulated sale of THC Products presents a threat to the public health, safety and welfare in that such products are not safe for consumption by those under 21 years of age and may not legally be sold or provided to or consumed by persons under state law.
- C. The City’s existing land use official controls and licensing regulations may not adequately address the impacts and effects of persons and entities engaged in the sale or distribution of THC Products.
- D. Section 2.12, Subdivision 2 of the City’s Charter requires two readings of ordinances, public notice and a public hearing, and provides that ordinances adopted following the completion of such process may not become effective until such time as the ordinance so adopted is published, except for emergency ordinances.
- E. Section 2.12, Subdivision 3 of the City’s Charter authorizes the City Council to adopt emergency ordinances to meet a public emergency affecting life, health, property or the public peace, subject to the limitations that such ordinances must receive a supermajority vote of the Council and shall expire not later than the 61st day following its adoption.
- F. Pursuant to its general police powers, including but not limited to, its authority under Section 1.02 of its Charter and Minn. Stat. § 421.221, subd. 32, the City may enact and enforce regulations or restrictions on THC Products within the City to protect the public health, safety and welfare and the public peace, including restrictions on the manner in which such products may be stored, sold or distributed.

- G. The unregulated sale or distribution of THC Products prior to the City's consideration and potential modification of existing regulations or implementation of new regulations for such activities would threaten the public health, safety and welfare and the public peace.

Section 2. STATE LAW ADOPTED. Except as further restricted or regulated by this ordinance, the provisions of Minn. Stat. § 151.72 relating to the definition of terms, licensing, and all other matters pertaining to the retail sale, distribution and consumption of THC Products are adopted and made a part of this chapter as if set out in full. Whenever there is an inconsistency between the provisions of Minn. Stat. § 151.72, as amended, and the provisions of this section, the more restrictive provision shall govern.

Section 3. TEMPORARY REGULATIONS. For the duration stated herein, no person or entity may sell or distribute a THC Product(s) in the City of Willmar except as follows:

- a. Written notice of the identity of the person or entity conducting the sale of the product(s) and the permanent location of the place of business at which such sales may be made shall first be provided to the City Clerk.
- b. Sales may only be made to individuals who are 21 years of age or older.
- c. All THC Products shall either be stored behind a counter or other area not freely accessible to customers or in a case or other storage unit not left open and accessible to the general public.
- d. The manner of sale shall be such that the customer does not have access to the THC Product(s) without having to request the item from the person or entity making the sale or an employee thereof and engaging in a physical exchange of the THC Product(s) between the person or entity making the sale or an employee thereof and the customer.
- e. No sale shall be made from a moveable place of business. Only fixed-location businesses may engage in the sale of a THC Product(s).

Section 4. PENALTY. Any person engaging in the public sale or distribution of THC Product(s) in violation of the regulations established in Section 3 of this ordinance shall be guilty of a misdemeanor.

Section 5. EXCEPTIONS AND DEFENSES. Nothing in this ordinance shall prevent the providing of THC Products to a person under the age of 21 as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this ordinance for a person to have reasonably relied on proof of age as described by state law in Minn. Stat. § 340A.503, subd. 6.

Section 6. EFFECTIVE AND EXPIRATION DATES. This emergency ordinance shall be effective at 1:00 a.m. on July 19, 2022 and shall expire upon adoption of ordinances regulating

such uses or on the 61st day following the date on which this ordinance was adopted, whichever comes first.

Passed by the City Council of the City of Willmar this 18th day of July, 2022.

ATTEST:

/s/ Leslie Valiant
Leslie Valiant, City Administrator

/s/ Marv Calvin
Marvin Calvin, Mayor

VOTE: X PLOWMAN X O'BRIEN X DAVIS X ASMUS
 X FAGERLIE X ASK X BUTTERFIELD X NELSEN

This Emergency Ordinance introduced by Council Member: Fagerlie

This Emergency Ordinance adopted on: July 18, 2022

This Emergency Ordinance published on: July 23, 2022

**SUMMARY PUBLICATION OF CITY OF WILLMAR EMERGENCY ORDINANCE
NO. 1482**

**AN EMERGENCY ORDINANCE TEMPORARILY REGULATING THE SALE OF
THC PRODUCTS IN THE CITY OF WILLMAR**

Summary: Emergency Ordinance No. 1482 was adopted by the Willmar City Council on July 18, 2022, in response to the recent legalization of certain edible and nonedible cannabinoid products (“THC Products”) for adult consumption in Minnesota.

This Emergency Ordinance temporarily regulates persons and entities engaged in the sale of edible cannabinoid products, as defined in Minn. Stat. § 151.72, and cannabinoid products that are intended for human or animal consumption, that contain no more than 0.3 % of Tetrahydrocannabinol (THC) in the City of Willmar in order to protect the public health, safety and welfare and the public peace. The regulations require sellers of THC Products to provide notice to the City and adhere to regulations designed to prevent such products from being sold to or accessed by those under the age of 21 by, for example, requiring such products to be stored behind a counter or in a secured case or storage unit and not available to customers on a “self-service” basis.

This Emergency Ordinance will take effect at 1:00 a.m. on July 19, 2022, and will expire not later than the 61st day after it was adopted.

The complete text of Emergency Ordinance No. 1482 may be obtained at no charge at City Hall (333 6th Street Southwest, Willmar, MN 56201), or from the City’s website at www.willmarmn.gov.